MYSORE ACT NO. XLII OF 1943.

THE REMOVAL OF CIVIL DISABILITIES ACT, 1943.

(AS AMENDED BY ACTS IX OF 1948 AND XIV OF 1949.)

(Received the assent of His Highness the Maharaja on the 28th day of July 1943.)

An Act to provide for the Removal of Civil Disabilities among certain classes of Hindus.

WHEREAS it is increasingly felt by the Hindu community that the disabilities which are imposed by social custom and usage on certain classes of Hindus commonly known as Harijans, Untouchables or Depressed Classes and which have been in certain matters even legally recognized in the adjudication of rights and duties in civil and criminal proceedings, are repugnant to modern conditions and to ideas of justice and social solidarity, and should no longer be recognized by law or otherwise enforced ;

It is hereby enacted as follows :—

1. This Act may be called the Removal of Civil Disabilities Act, 1943.

2. It extends to the whole of [1][the State of Mysore except Bellary District.]

3. Notwithstanding any law, custom, usage or prescription to the contrary, no Hindu shall, by reason merely of his belonging to any particular community or class commonly known as Harijans, Untouchables, [2][Depressed Classes] or the like, be prevented or disabled from being appointed to any public office or [2][having access to or using] any public stream, river, pond, well (other than a pond or well exclusively belonging to a Hindu temple and to which access is at present denied to the above classes), tank, pathway, sanitary convenience or means of transport or any secular institution which the general

1. See the Mysore Adaptation of Laws Order, 1958.
2. Substituted by Act IX of 1948.

public belonging to all other Hindu classes and communities have [1][a right of access to or a right to use] or which is dedicated or maintained or licensed for the use of the general public or which is maintained or paid for, out of the funds of the State or local authority; and no Civil, Criminal or Revenue Court in adjudicating any matter or executing any order and no public or local authority in [1][conducting the affairs] entrusted to such authority shall recognize any custom, usage or [1][prescriptive right] under which it is sought to impose any civil disabilities on any person by reason of his belonging to any of the classes or communities aforesaid, or by reason of any [1][act or omission] on the part of such person which would not furnish grounds for such disability if he did not belong to such class or community.

Discrimination against Harijans, etc., prohibited.

[2][**4.** No person owning or being in charge of any secular institution referred to in section 3 shall—

(*i*) impose, or cause or suffer to be imposed, any restriction on any person belonging to any community or class referred to in section 3, or

(*ii*) do or omit to do anything, or cause or suffer anything to be done or omitted to be done, so as to result in discrimination against any person belonging to any such class or community.

"Secular institution" explained.

5. For the purposes of this Act, the expression "secular institution" includes, among others—

(*i*) any refreshment room, restaurant, cafe, coffee house, eating house, boarding house, lodging-house, choultry, hostel, hotel or any other place where persons are provided with food, drink, shelter or sleeping or other accommodation;

(*ii*) any place of public entertainment or amusement;

(*iii*) any premises where goods are sold, any laundry, any shaving or hair dressing saloon or any other place where services are rendered to the public;

(*iv*) any place or part of a place used by the general public belonging to all Hindu classes and communities for the burial, cremation or disposal otherwise,

1. Substituted by Act IX of 1948.
2. Sections 4, 5, 6 and 7 added by Act IX of 1948.

of the dead and not specially reserved or allotted for any particular Hindu class or community.

6. No dealer shall refuse to sell, or withhold from sale, any article which is kept by him for sale, to any person belonging to any community or class referred to in section 3 merely on the ground that he belongs to such community or class.

7. Whoever— Penalties.

(*i*) prevents a person belonging to any community or class referred to in section 3 from exercising any civic right or privilege to which he is entitled under this Act, or

(*ii*) molests or obstructs any such person in the exercise of any such right or privilege, or

(*iii*) contravenes the provisions of section 4,

shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees, and in the case of a second or subsequent offence with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.]

[1][8. All offences punishable under this Act shall be cognizable.] Offences under Act to be cognizable.

1. Section 8 added by Act XIV of 1949.